

REMARKS

Claims 1-9 are pending in the present application; all claims were rejected in the present Final Office Action. Claims 1, 5, and 8 were amended to include the "main menu index" and the "sub-menu index" as requested by the Examiner.

The Examiner rejected Claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,877,746 (Parks) and U.S. Patent No. 5,479,476 (Finke-Ankauff).

In response to Applicant's arguments in the Response to the Office Action of August 13, 2003, that was filed on November 13, 2003, the Examiner points to the use of "suboptions" in Parks and equates them with use of the word "index" in the inventive specification. Parks' description of "suboptions" is found in column 9, lines 36-39. That section, in pertinent part, states: "many of the options of each of the features have various suboptions which can be selected." Such comparison is not justified because Parks describes using existing feature options and suboptions, while the present invention describes and claims the creation of new, customized menus based on index references of existing menu function index assignments.

Referring to FIG. 2 of the present invention, four columns are shown, "Main Menu" and "Sub Menu" columns include textual information and "Main Menu Index" and "Sub-Menu Index" columns include numeric indexes. Each of the text menu entries or functions is associated with an index. The process of building new function menus, shown in FIG. 3, utilizes function to index assignments.

The "suboptions" of Parks may possibly be compared with the textual columns. However, Parks does not disclose the use of a numeric indexes or storing of the menus in association with corresponding indexes as recited in Claims 1, 5, and 8.

In the example below, the first column represents the Sub-Menu Index that is used to reference the menu entries. The Main Menu Index identifies Menus as 1, 2 and 3.

Index	Menu 1	Menu 2	Menu 3	Custom Menu	Association
1	a	f	k	m	3/3
2	b	g	l	h	2/3
3	c	h	m	l	3/2
4	d	i	n	e	1/5
5	e	j	o		

The following recitation of the steps of Claim 1 will now be used to explain creation of the user-customized Custom-Menu from the example above. The user selects a user-customized menu creating key on a portable radio telephone; this switches an operating mode of the portable radio telephone to a user-customized menu creating mode. The user then enters a user-customized menu index. The user-customized menu index is a hierarchical position in the menu used to indicate desired position in the menu. In the present example position 4 is used. Then the user enters a menu index of a menu to be associated with the menu contents of the entry (4) of the Custom-Menu. In the present example the index is (1/5), i.e., the fifth entry of Menu 1 which is (e). Therefore, the fourth entry of the Custom-Menu is associated with the fifth entry of Menu 1. This association is then stored.

As can be seen from the example above, the first entry of the Custom-Menu is associated with the third entry of Menu 3 (m); the second entry of the Custom-Menu is associated with the third entry of Menu 2 (h); and the third entry of the Custom-Menu is associated with the second entry of Menu 3 (l).

The Examiner again refers to Parks at column 9, lines 26-29. That section states:

In all cases, a SETUP tab 66 is displayed such that it is the right-most tab. Each of the elements (Mail, Phone, Fax and Copy) have a setup option or mode which allows the user to customize various aspects of the selected feature, e.g., pulse or tone dialing for the telephone.

It is true that this section describes allowing the user to customize various aspects of the selected feature, e.g., pulse or tone dialing for the telephone. This however cannot be compared with creation by a user of new, customized menus taught and recited in Claims 1, 5 and 8 of the present invention. The present invention discloses and claims creation of new, customized menus by a user, achieved by a process distinct from changing dialing modes or a ringer tone described in Parks and Finke-Ankauff. It can therefore be concluded that Parks, Finke-Ankauff, or their combination do not teach or describe recitations claimed in the independent Claims of

the present invention.

Based on the arguments presented above, it can be concluded that Parks, Finke-Ankauff or any combination thereof do not teach or describe the above discussed elements of Claims 1, 5 and 8 and therefore they are believed to overcome the rejection under 35 U.S.C. §103(a). Without conceding the patentability per se of dependent Claims 2-4, 6-7, and 9 these are likewise, by virtue of their dependence on their respective independent claims, believed to overcome the rejection under 35 U.S.C. §103(a), the withdrawal of which is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-9, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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